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In re Application of:  
Robert W. Brocia.  
Serial No.: 09/005,711  
Filed: January 12, 1998  
Attorney Docket No.: RO-11.003

DECISION ON PETITION TO  
RESCIND ABANDONMENT

This is in response to applicant's petition under 37 CFR § 1.181(a) filed on July 12, 2004, requesting withdrawal of the holding of abandonment based on the fact that applicant is entitled to five one-month extensions under 37 CFR § 1.136 (a).

A review of the file history shows that a Petition to Revive was mailed April 27, 2004, setting a two-month period for filing the Appeal Brief in triplicate along with the fee required by law, starting with the mailing date of April 27, 2004. Under 37 CFR § 1.136 (a), five one-month extensions are available with appropriate payment of fees, and thus, applicant has until November 27, 2004 to file the Appeal Brief. Since the period for response has not yet expired, the Notice of Abandonment is in error.

Applicant's petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk  
Director, Technology Center 1600